

REMARKS/ARGUMENTS

Claims 1-114 are pending claims. Claims 66-114 are currently under consideration. Applicants respectfully request reconsideration in view of the following remarks. Issues raised by the Examiner will be addressed below in the order they appear in the Office Action.

1. The Examiner pointed out that the declaration is defective. In response, Applicants are in the process of preparing a new declaration and will submit it in due course.
2. Claims 66-67, 69, 71, 73, 76, 81-83, 86-88, 90, 93, 95, 98-100, 103-105, 107, 110 and 112 are rejected under 35 U.S.C. 102(b) as being anticipated by Wittke et al. The Examiner stated that that the reference was released and publicly available on 8/1/1999 based on a telephone call to the publisher of the Wittke reference. Applicants respectfully traverse the rejection. According to a call from the publisher of the Wittke reference to Applicants in July 2000, less than one year after the publication date of the Wittke reference, the relevant issue of the journal Molecular Biology of the Cell (MBC) was published on August 5, 1999 (a copy of the fax from Applicants to James Oleson, Applicants' attorney at that time, is enclosed herein as Exhibit A). After receiving the instant Office Action, Applicants again placed a call to the publisher and were informed by the publisher that they have no information on the exact dates of when past issues of journals were released and their standard answer is the first day of the month. Applicants submit that since Applicants' first inquiry to the publisher was made not long after the Wittke reference was published, that answer is likely to be more accurate than an answer given six years after the publication. In support of Applicants' position that August 1, 1999 is not the date of publication of the Wittke reference, Applicants respectfully point out that August 1, 1999 was a Sunday and not a regular business day, making it unlikely to be the date of publication.

In addition, even assuming that the date of publication is August 2, 1999, the earliest date reasonably possible, the issue would not have arrived at libraries nationwide and have been made publicly available before August 4, 1999, the 102(b) bar date for the present application. To this end, Applicants have inquired at the National Library of Medicine and was informed that the August 1999 issue of MBC was received there on August 19, 1999 (a copy of the fax is enclosed herein as Exhibit B).

Based on the foregoing, Applicants submit that the evidence is insufficient to establish the Wittke reference as a 102(b) prior art against the instant application. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

3. Claims 66-67, 69, 71, 73, 76, 81-83, 86-88, 90, 93, 95, 98-100, 103-105, 107, 110 and 112 are rejected under 35 U.S.C. 102(b) as being anticipated by Johnsson et al. Applicants respectfully traverse the rejection and submit that Johnsson et al. does not enable the invention as claimed in the instant application, namely, a method for identifying a protein encoded by P2 that interacts with a target protein encoded by P1, wherein the nucleic acid comprising P2 is a member of a library containing multiple different nucleic acids. While Johnsson et al disclosed examples of testing interaction between two known proteins using the ubiquitin-based split-protein sensor system (USPS), it fails to disclose a single example of identifying an interacting protein from library screening. Indeed, Johnsson et al indicated that library screening is one of the many applications that “remain to be explored.” (page 328 of Johnsson et al.). Applicants, on the other hand, have disclosed in the instant application a successful Split-Ub-based screening example in which Nhp6 was identified through a library screening as a binding partner for Gal4p and Tup1p (see Example 2, starting on page 137 of the Specification). Applicants have further validated the screening results via multiple methods including in vitro interaction assays and functional studies (see Example 2).

Based on the foregoing, Applicants submit that the Johnsson reference is not enabled and is therefore not legally insufficient as prior art against the instant application. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.


CONCLUSION

In view of the foregoing amendments and remarks, Applicant submits that the pending claims are in condition for allowance. Early and favorable reconsideration is respectfully solicited. The Examiner is invited to contact the undersigned at 617-951-7000. If an extension of time is required, Applicant's attorney respectfully requests that such extension be granted and any fee required be charged to Deposit Account No. 18-1945, Order No. DFMP-P01-017.

Respectfully Submitted,

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